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Application No. 09/841,255

REMARKS

Claims 1-3, 9, 12-15, 23, 24, 26-28 and 30 remain for consideration. All of the pending claims have been amended to change the preamble back to a polishing composition in view of the restriction requirement. No new matter has been introduced by the amendments.

Restriction Requirement

The Examiner indicated that all of the pending claims in the last amendment were directed to a non-elected group. While Applicants respectfully disagree with the Examiner's assertions, Applicants have amended the preamble of the claims back to the original language. Applicants maintain that the scope of the claims is unchanged. This position is supported by MPEP 2111.02 II. "If the body of the claim fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states, for example, the purpose or intended use of the invention, rather than any distinct definition of the claimed invention's limitations, then the preamble is not considered a limitation and is of no significance to claim construction."

In view of the amendments above, Applicants respectfully request consideration of the pending claims.

Written Description Rejection

The Examiner rejected claim 26 under 35 U.S.C. § 112, first paragraph, as failing to satisfy the Written Description requirement. Applicants incorporate by reference their arguments in the Amendment of January 2, 2007. As amended, the claim has explicit literal support for the claim language in the specification. Applicants respectfully request withdrawal of the rejection of claim 26 under 35 U.S.C. § 112, first paragraph, as failing to satisfy the Written Description requirement.

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Rejection for Obviousness-Type Double Patenting Over 09/136,483

The Examiner provisionally rejected claim 25 under the judicial doctrine of obviousness-type double patenting over claim 9 of copending Application No. 09/136,483. While Applicants maintain their position regarding the inappropriateness of this rejection based on the respective filing dates, Applicants have canceled claim 25. Thus, this rejection is presently moot. Applicants respectfully request withdrawal of the rejection of claim 25 under the judicial doctrine of obviousness-type double patenting over claims 9 of copending Application No. 09/136,483.

Rejection for Obviousness-Type Double Patenting Over 09/433,202

The Examiner provisionally rejected claim 25 under the judicial doctrine of obviousness-type double patenting over claim 58 of copending Application No. 09/433,202. While Applicants strenuously maintain that the obviousness-type double patenting over the '202 application is not appropriate, Applicants have canceled claim 25 to advance prosecution of this case. Thus, this rejection is presently moot.

Rejection Over U.S. 5,389,194 or U.S. 5,626,715

The Examiner rejected claims 6-8 and 25 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,389,194 to Rostoker or under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 5,626,715 to Rostoker et al. To advance prosecution of this application, Applicants have canceled claims 6-8 and 25. Thus, this rejection is presently moot.

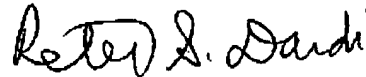
CONCLUSIONS

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

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The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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